

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ERIC FEIGL-DING,)	CIVIL ACTION NO.
Plaintiff,)	
)	
v.)	
)	
ZACHARY J. LUMAN,)	
JOSEPH J. CHUNG,)	
and THE O CAMPAIGN FOUNDATION,)	
Defendants.)	

COMPLAINT

PARTIES

1. Plaintiff, Eric Feigl-Ding ("Plaintiff"), is an individual residing in Cambridge, Massachusetts.
2. Defendant, Zachary J. Luman ("Luman"), is an individual residing in California.
3. Defendant, Joseph Chung ("Chung"), is an individual residing in California.
4. Defendant, The O Campaign Foundation ("The O Campaign"), is a corporation organized under the laws of the State of California with a place of business at 50 Lucerne Street, San Francisco, California 94103.

JURISDICTION AND VENUE

5. Pursuant to 28 U.S.C. §1332, this Court has jurisdiction over this matter because the parties are diverse and the matter in controversy exceeds \$75,000.
6. Venue is proper in this jurisdiction pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to this action occurred in Massachusetts.

FACTUAL ALLEGATIONS

7. Plaintiff is the creator and Primary Administrator of Page #210, a website dedicated to cancer prevention, wholly owned by the online platform Philotic, Inc. d/b/a Causes (“Causes”).

8. Plaintiff created Page #210 in May 2007, without any involvement or contribution from the Defendants. Plaintiff is the Primary Administrator of Page #210.

9. Over the years, approximately 64,000,000 “supporters” (sometimes also referred to as “members”) have become affiliated with Page #210. Over the years, Page #210 has requested support for various individuals and organizations.

10. For a short period in 2009, Page #210 requested support for The O Campaign. In July 2009, Plaintiff decided to terminate his relationship with The O Campaign.

11. As the Primary Administrator of Page #210, Plaintiff severed ties and made changes to Page #210 to remove reference to The O Campaign. At that time Plaintiff had the absolute right, granted by Causes – the platform and page owner, to make that change and he did not breach any contractual or other duty to the Defendants.

12. Since severing ties with The O Campaign, Defendants have made repeated and numerous false and defamatory statements concerning Plaintiff’s professional conduct including allegations that Plaintiff allegedly “stole” members from The O Campaign. These false and defamatory statements have been made by postings on Facebook and emails to a number of individuals, including Plaintiff’s supervisors at his place of employment.

13. Plaintiff has been damaged in an amount to be determined at trial by Defendants’ defamatory statements.

CLAIMS

COUNT I
(Declaratory Judgment)

14. Plaintiff repeats and incorporates herein by reference the allegations contained in the prior paragraphs.

15. Defendants have made numerous statements alleging that Plaintiff's actions were unlawful and have threatened to bring suit against the Plaintiff for such conduct.

16. Plaintiff requests a declaration by this Court that his actions in connection with Page #210, and in particular, the termination of the relationship between Page #210 and The O Campaign, were not unlawful.

COUNT II
(Defamation v. Luman and Chung)

17. Plaintiff repeats and incorporates herein by reference the allegations contained in the prior paragraphs.

18. Luman and Chung have made defamatory statements concerning Plaintiff's professional conduct, including that he "stole" members from The O Campaign.

19. Plaintiff has been damaged by these defamatory statements in an amount to be determined at trial.

WHEREFORE, Plaintiff, Eric Feigl-Ding, requests that this Court award him damages in an amount to be determined at trial, declare that Plaintiff has not acted in any way unlawfully in connection with the operations of Page #210 and in particular its relationship to The O Campaign, and such other further relief as this Court deems just and equitable.

PLAINTIFF DEMANDS A JURY TRIAL ON ALL CLAIMS SO TRIABLE.

ERIC FEIGL-DING

By his attorneys,

/s/ AiVi Nguyen

Louis M. Ciavarra (BBO # 546481)

Colleen E. Towle (BBO # 663498)

AiVi Nguyen (BBO #675319)

BOWDITCH & DEWEY, LLP

311 Main Street, P.O. Box 15156

Worcester, MA 01615-0156

Tel: (508) 926-3408

Fax: (508) 929-3011

email: lcivarra@bowditch.com

email: ctowle@bowditch.com

email: anguyen@bowditch.com

Date: October 18, 2013